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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Patent Application of

GUNARATNAM

Atty. Ref.: 4398-336

Serial No. 10/821,204

TC/A.U.: 3743

Filed: April 9, 2004

Examiner: Unassigned

Confirmation No.: 8653

For: A MASK WITH INTEGRAL CUSHION AND FOREHEAD PIECE

\* \* \* \* \*

January 28, 2005

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

**INFORMATION DISCLOSURE STATEMENT**

Listed on accompanying Form PTO-1449 is information that may be considered material to the examination of this application, in compliance with the duty of disclosure requirements of 37 C.F.R. §§ 1.56, 1.97 and 1.98.

This statement should not be construed as a representation that a search has been made, or that information more material to the examination of the present patent application does not exist. The Examiner is specifically requested not to rely solely on the material submitted herewith. At least one of the boxes below applies to the present application:

1. ☒ This Information Disclosure Statement is being filed within three months of the U.S. filing date OR before the mailing date of a first Office Action on the merits. No statement under 37 C.F.R. § 1.97(e) or fee is required.

a. ☒ Contingent Request to Treat Under 37 C.F.R. § 1.97(c)

In the event a first Office Action has been mailed prior to filing of the present Information Disclosure Statement and the Office Action was mailed more than three months since the filing of the application (for regular applications not including CPAs or RCEs), the Office is requested to treat the present paper as a submission under 37 C.F.R. § 1.97(c) and charge the

undersigned's Deposit Account No. 14-1140 for the fee required by 37 C.F.R. § 1.17(p). The present paper is submitted in duplicate for this purpose.

b. ☐ Contingent Request to Treat Under 37 C.F.R. § 1.97(e)(1)

In the event a first Office Action has been mailed prior to the filing of the present Information Disclosure Statement, and the Office Action was mailed more than three months since the filing of the application (for regular applications not including CPAs or RCEs), the Office is requested to treat the present paper as a submission under 37 C.F.R. § 1.97(e)(1) in that the undersigned hereby states that each item of information contained in this Information Disclosure Statement was first cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Information Disclosure Statement. 37 C.F.R. § 1.97(e)(1).

b.1. ☐ Patent Term Adjustment

I hereby certify that each item of information was cited in a communication from a foreign patent office in a counterpart application and that this communication was not received by any individual designated in Section 1.56(c) more than 30 days prior to the filing of the Information Disclosure Statement. 37 C.F.R. §1.704(d).

c. ☐ Contingent Request to Treat Under 37 C.F.R. § 1.97(e)(2)

In the event a first Office Action has been mailed prior to the filing of the present Information Disclosure Statement, and the Office Action was mailed more than three months since the filing of the application (for regular applications not including CPAs or RCEs), the Office is requested to treat the present paper as a submission under 37 C.F.R. § 1.97(e)(2) in that the undersigned hereby states that no item of information in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to my

Information Disclosure Statement was known to any individual designated in 37 C.F.R. § 1.56(c) more than three months prior to the filing of this Information Disclosure Statement. 37 C.F.R. § 1.97(e)(2).

c. ☐ Attached is our check in the amount of \$ in payment of the fee under 37 C.F.R. § 1.17(p).

3. ☐ This Information Disclosure Statement is being filed more than three months after the U.S. filing date and after the mailing date of a Final Rejection or Notice of Allowance, but before payment of the Issue Fee 37 C.F.R. § 1.97(d). It is hereby requested that the Information Disclosure Statement be considered. Attached is our check in the amount of \$ in payment of the fee under 37 C.F.R. § 1.17(i).

a. ☐ I hereby state that each item of information contained in this Information Disclosure Statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Information Disclosure Statement. 37 C.F.R. § 1.97(e)(1).

a.1. ☐ Patent Term Adjustment

I hereby certify that each item of information was cited in a communication from a foreign patent office in a counterpart application and that this communication was not received by any individual designated in Section 1.56(c) more than 30 days prior to the filing of the Information Disclosure Statement. 37 C.F.R. §1.704(d).

b. ☐ I hereby state that no item of information in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to my knowledge after making reasonable inquiry, no item of information contained in this Information Disclosure Statement was known to any individual designated in 37 C.F.R. § 1.56(c) more than three months prior to the filing of this Information Disclosure Statement. 37 C.F.R. § 1.97(e)(2).

4. ☐ Relevance of the non-English language document(s) is discussed in the present specification.

5. ☐ The document(s) was/were cited in a corresponding foreign application. An English language version of the foreign search report or official action is attached for the Examiner's information. See MPEP § 609.

a. ☐ U.S. Patent No. \_\_\_\_\_ is indicated in the foreign search report or Official Action as being in the same patent family and/or the English-language equivalent of \_\_\_\_\_ listed on the attached foreign search report.

6. ☐ A concise explanation of the relevance of the non-English language document(s) appears below:

7. ☐ Copies of the documents were cited by or submitted to the Office in Application No. \_\_\_\_\_, filed \_\_\_\_\_, which is relied upon for an earlier filing date under 35 U.S.C. § 120. Thus, copies of these documents are not attached. 37 C.F.R. § 1.98(d).

8. ☐ The publication date (e.g., month or year) of at least one of the listed documents is not available. For each document in this category, the Office is requested to assume that the year of publication of each listed document is earlier than the effective U.S. filing date and/or any foreign priority date.

9. ☐ The publication date of at least one document is listed on the attached PTO-1449 based on information presently available to the undersigned. However, each listed publication date should not be construed as an admission that the information was actually published on the date indicated, and the right to challenge each listed publication date is expressly reserved by Applicant(s).

It is respectfully requested that the Examiner initial and return a copy of the enclosed PTO-1449, and to indicate in the official file wrapper of this patent application that the documents have been considered.

knowledge after making reasonable inquiry, no item of information contained in this Information Disclosure Statement was known to any individual designated in 37 C.F.R. § 1.56(c) more than three months prior to the filing of this Information Disclosure Statement. 37 C.F.R. § 1.97(e)(2).

2. ☐ This Information Disclosure Statement is being filed more than three months after the U.S. filing date AND after the mailing date of the first Office Action on the merits, but before the mailing date of a Final Rejection or Notice of Allowance.

a. ☐ I hereby state that each item of information contained in this Information Disclosure Statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Information Disclosure Statement. 37 C.F.R. § 1.97(e)(1). Contingent Request Under 37 C.F.R. § 1.97(d). In the event a Notice of Allowance or a Final Rejection has been mailed prior to filing this Information Disclosure Statement, the Office is authorized to treat this as a submission under 37 C.F.R. 1.97(d) and charge the undersigned's Deposit Account No. 14-1140 for the fee required by 37 C.F.R. § 1.17(p). The present paper is submitted in duplicate for this purpose.

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The U.S. Patent and Trademark Office is hereby authorized to charge any fee deficiency, or credit any overpayment, to our Deposit Account No. 14-1140 referencing docket number 4398-336.

Respectfully submitted,

**NIXON & VANDERHYE P.C.**

By: \_\_\_\_\_

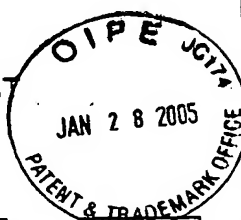


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Patent and Trademark Office

Atty. Dkt. No.	M#	Client Ref.
	4398-336	



# INFORMATION DISCLOSURE STATEMENT BY APPLICANT

Applicant:	GUNARATNAM
Appln. No.:	10/821,204
Filing Date:	April 9, 2004
Examiner:	Group Art Unit: 3743

Date: January 28, 2005

Page 1 of 13

## U.S. PATENT DOCUMENTS

Examiner's Initials*	Document Number	Date MM/YYYY	Name (Family Name of First Inventor)	Class	Sub Class	Filing Date (if appropriate)
	1R	1,926,027	09/1933	BIGGS		
	2R	2,123,353	07/1938	CATT		
	3R	2,248,477	07/1941	LOMBARD		
	4R	2,254,854	09/1941	O'CONNELL		
	5R	2,371,965	03/1945	LEHMBERG		
	6R	2,438,058	03/1948	KINCHELOE		
	7R	2,931,356	04/1960	SCHWARZ		
	8R	Des. 188,084	05/1960	GARELICK		
	9R	2,939,458	06/1960	LUNDQUIST		
	10R	3,189,027	06/1965	BARTLETT		
	11R	3,238,943	03/1966	HOLLEY		
	12R	3,315,674	04/1967	BLOOM et al.		
	13R	3,330,273	07/1967	BENNETT		
	14R	3,362,420	01/1968	BLACKBURN et al.		
	15R	3,363,833	01/1968	LAERDAL		
	16R	3,556,122	01/1971	LAERDAL		
	17R	3,700,000	10/1972	HESSE, Deceased et al.		
	18R	3,796,216	03/1974	SCHWARZ		
	19R	Des. 231,803	06/1974	HUDDY		
	20R	4,077,404	03/1978	ELAM		
	21R	Des. 250,131	10/1978	LEWIS et al.		
	22R	4,167,185	09/1979	LEWIS		
	23R	4,226,234	10/1980	GUNDERSON		

## FOREIGN PATENT DOCUMENTS

Document Number	Date MM/YYYY	Country	Inventor Name	English Abstract	Translation Readily Available
				Enclosed	No
24R					

## OTHER (Including in this order: Author, Title, Periodical Name, Date, Pertinent Pages, etc.)

25R	Mask 1 Photographs, Respiration Inc., Reusable Full Mask (small) Part #452033 Lot #951108.
26R	Mask 2 Photographs, Puritan - Bennett, Adam Curcuit, Shell Part #231700, Swivel Part #616329-00, Pillows (medium) Part #616324.
27R	Mask 3 Photographs, DeVilbiss Healthcare Inc., Devilbiss Seal-Ring and CPAP Mask Kit (medium), Part #73510-669.
28R	Mask 4 Photographs, Respiration Inc., Monarch Mini Mask with Pressure Port. Part #572004, Monarch Headgear, Part #572011.

Examiner

Date Considered:

\*EXAMINER: Initial if citation considered, whether or not citation is in conformance with MPEP § 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to Applicant.

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Patent and Trademark Office

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Appln. No.: 10/821,204		
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Examiner:		Group Art Unit: 3743

**INFORMATION DISCLOSURE STATEMENT  
BY APPLICANT**

Date: January 28, 2005 Page 2 of 13

**U.S. PATENT DOCUMENTS**

Examiner's Initials*	Document Number	Date MM/YYYY	Name (Family Name of First Inventor)	Class	Sub Class	Filing Date (if appropriate)
	29R 4,245,632	01/1981	HOUSTON			
	30R 4,304,229	12/1981	CURTIN			
	31R Des. 262,322	12/1981	MIZERAK			
	32R 4,328,797	05/1982	ROLLINS et al.			
	33R 4,347,205	08/1982	STEWART			
	34R 4,354,488	10/1982	BARTOS			
	35R 4,402,316	09/06/83	GADBERRY			
	36R 4,412,537	11/01/83	TIGER			
	37R 4,522,639	06/11/85	ANSITE, et al.			
	38R 4,622,964	11/18/86	FLYNN			
	39R 4,655,213	04/07/87	RAPOPORT et al.			
	40R 4,665,570	05/19/87	DAVIS			
	41R 4,671,271	06/09/87	BISHOP, et al.			
	42R 4,677,977	07/07/87	WILCOX			
	43R Des. 293,613	01/05/88	WINGLER			
	44R 4,770,169	09/13/88	SCHMOEGNER et al.			
	45R 4,774,941	10/04/88	COOK			
	46R		TSUBAKI et al.			
	47R 4,821,713	04/18/89	BAUMAN			
	48R 4,841,953	06/27/89	DODRILL			
	49R 4,848,334	07/18/89	BELLM			
	50R 4,848,366	07/18/89	AITA, et al.			
	51R 4,907,584	03/13/90	MCGINNIS			

**FOREIGN PATENT DOCUMENTS**

Document Number	Date MM/YYYY	Country	Inventor Name	English Abstract	Translation Readily Available
				Enclosed	No
				Enclose	No
52R					

OTHER (Including in this order: Author, Title, Periodical Name, Date, Pertinent Pages, etc.):

- |     |   |
|-----|---|
| 53R | Mask 5 Photographs, Healthdyne Technologies, Nasal CPAP Mask (medium narrow), Part #702510. |
| 54R | Mask 6 Photographs, Healthdyne Technologies, Soft Series Nasal CPAP Mask, Part #702020.     |
| 55R | Mask 7 Photographs, DeVilbiss Healthcare Inc., Small Mask and Seal Rings, Part #73510-668.  |
| 56R | Mask 8 Photographs, Respironics Inc., Reusable Contour Mask (medium), Part #302180.         |

Examiner

Date Considered:

\*EXAMINER: Initial if citation considered, whether or not citation is in conformance with MPEP § 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to Applicant.

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Date: January 28, 2005 Page 3 of 13

## U.S. PATENT DOCUMENTS

Exami ner's Initials*	Document Number	Date MM/YYYY	Name (Family Name of First Inventor)	Class	Sub Class	Filing Date (if appropriate)
57R	4,919,128	04/24/90	KOPALA, et al.			
58R	Des. 310,431	09/04/90	BELLM			
59R	4,971,051	11/20/90	TOFFOLON			
60R	4,989,599	02/05/91	CARTER			
61R	5,005,571	04/09/91	DIETZ			
62R	5,005,568	04/09/91	LOESCHER, et al.			
63R	5,038,776	08/13/91	HARRISON et al.			
64R	5,042,473	08/27/91	LEWIS			
65R	5,042,478	08/27/91	KOPALA, et al.			
66R	5,109,840	05/05/92	DALEIDEN			
67R	5,133,347	07/28/92	HUENNEBECK			
68R	5,140,982	08/25/92	BAUMAN			
69R	Des. 334,633	04/06/93	RUDOLPH			
70R						
71R	5,265,595	11/30/93	RUDOLPH			
72R	5,279,289	01/18/94	KIRK			
73R	5,343,878	09/06/94	SCARBERRY et al.			
74R	5,357,951	10/25/94	RATNER			
75R	5,419,318	05/30/95	TAYEBI			
76R	5,429,683	07/04/95	LE MITOUARD			
77R	5,431,158	07/11/95	TIROTTA			
78R	5,438,981	08/08/95	STARR et al.			
79R	5,441,046	08/15/95	STARR et al.			

## FOREIGN PATENT DOCUMENTS

Document Number	Date MM/YYYY	Country	Inventor Name	English Abstract	Translation Readily Available
				Enclosed	No
80R					

## OTHER (Including in this order Author, Title, Periodical Name, Date, Pertinent Pages, etc.)

81R	Mask 9 Photographs, Healthdyne Technologies, Healthdyne Large Headgear.
82R	Mask 10 Photographs, Respironics Inc., Soft Cap (medium), Part #302142.
83R	Mask 11 Photographs, Weinmann: Hamburg, Nasalmaskensystem mit Schalldämpfer (medium), Part #WN 23105.
84R	Mask 12 Photographs, Life Care.

Examiner

Date Considered:

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Date: January 28, 2005 Page 4 of 13

## U.S. PATENT DOCUMENTS

Exami- ner's Initials*	Document Number	Date MM/YYYY	Name (Family Name of First Inventor)	Class	Sub Class	Filing Date (if appropriate)
	85R	Des. 362,061	09/05/95	MCGINNIS et al.		
	86R	5,477,852	12/26/95	LANDIS et al.		
	87R	5,488,948	02/06/96	DUBRUILLE, et al.		
	88R	5,492,116	02/20/96	SCARBERRY et al.		
	89R	5,501,214	03/26/96	SABO		
	90R	5,517,986	05/21/96	STARR et al.		
	91R	5,540,223	07/30/96	STARR et al.		
	92R	5,560,354	10/01/96	BERTHON-JONES et al.		
	93R	5,570,689	11/05/96	STARR et al.		
	94R	Des. 377,089	12/31/96	STARR et al.		
	95R	5,592,938	01/14/97	SCARBERRY et al.		
	96R	5,647,355	07/15/97	STARR et al.		
	97R	5,647,357	07/15/97	BARNETT et al.		
	98R	5,655,527	08/12/97	SCARBERRY et al.		
	99R	5,657,752	08/19/97	LANDIS et al.		
	100R	5,662,101	09/02/97	OGDEN et al.		
	101R	5,685,296	11/11/97	ZDROJKOWSKI, et al.		
	102R	5,687,715	11/18/97	LANDIS, et al.		
	103R	5,715,814	02/10/98	EBERS		

## FOREIGN PATENT DOCUMENTS

	Document Number	Date MM/YYYY	Country	Inventor Name	English Abstract		Translation Readily Available	
					Enclosed	No	Enclose	No
104R	WO 80/01044	05/29/80	PCT					
105R	DD 159396	06/04/81	GERMANY			X		
106R	DE 3345067 A1	06/20/84	GERMANY					
107R	GB 2145335 A	03/27/85	GREAT BRITAIN					
108R	GB 2147506 A	05/15/85	GREAT BRITAIN					
109R	EP 0 252 052 A1	01/07/88	EUROPE					
110R	EP 0 264 772 A1	04/27/88	EUROPE					

## OTHER (Including in this order Author, Title, Periodical Name, Date, Pertinent Pages, etc.)

111R	Mask 13 Photographs, Healthdyne Technologies.
112R	Mask 14 Photographs, King System.
113R	Mask 15 Photographs, Respironics Inc., Pediatric Mask.
114R	Mask 16 Photographs, Hans Rudolph Inc., Hans Rudolph Silicone Rubber Face Mask/8900.

Examiner

Date Considered:

\*EXAMINER: Initial if citation considered, whether or not citation is in conformance with MPEP § 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to Applicant.

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Date: January 28, 2005 Page 5 of 13

U.S. PATENT DOCUMENTS

Examiner's Initials*		Document Number	Date MM/YY Y	Name (Family Name of First Inventor)	Class	Sub Class	Filing Date (if appropriate)
	115R	2,317,608	04/1943	HEIDBRINK			
	116R	3,013,556	12/1961	GALLEHER			
	117R	3,580,051	05/1971	BLEVINS			
	118R	4,467,799	08/1984	STEINBERG			
	119R	4,616,647	10/1986	McCREADIE			
	120R	4,809,692	03/1989	NOWACKI et al.			
	121R	4,910,806	03/1990	BAKER et al.			
	122R	5,046,200	09/1991	FEDER			
	123R	5,069,205	12/1991	URSO			
	124R	5,121,745	06/1992	ISRAEL			
	125R	5,429,126	07/1995	BRACKEN			
	126R	5,542,128	08/1996	LOMAS			
	127R	5,570,682	11/1996	JOHNSON			
	128R	5,666,946	09/1997	LANGENBACK			
	129R	5,746,201	05/1998	KIDD			

FOREIGN PATENT DOCUMENTS

		Document Number	Date MM/YY Y	Country	Inventor Name	English Abstract		Translation Readily Available	
						Enclosed	No	Enclose	No
	130R	DE 4004157 C1	04/11/91	GERMANY					
	131R	EP0427474 A2	05/15/91	EUROPEAN					
	132R	AU 91/77110 B	11/21/91	AUSTRALIA					
	133R	EP 0 462 701 A1	12/27/91	EUROPE					
	134R	WO 92/20395	11/26/92	PCT					
	135R	WO 93/01854	02/04/93	PCT					
	136R	WO 94/02190	02/03/94	PCT					
	137R	AU 94/64816 B	12/22/94	AUSTRALIA					
	138R	WO 96/17643	06/13/96	PCT					
	139R	EP 0 747 078 A2	12/11/96	EUROPE					
	140R	WO 96/39206	12/12/96	PCT					
	141R	WO 97/07847	03/06/97	PCT					
	142R	JP 09/216240 A	08/19/97	JAPAN					

Examiner \_\_\_\_\_ Date Considered: \_\_\_\_\_  
\*EXAMINER: Initial if citation considered, whether or not citation is in conformance with MPEP § 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to Applicant.

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U.S. PATENT DOCUMENTS						
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FOREIGN PATENT DOCUMENTS							English Abstract		Translation Readily Available	
		Document Number	Date MM/YYYY	Country	Inventor Name		Enclosed	No	Enclose	No
	143R	DE 459, 104	04/1928	GERMANY						
	144R	1039144	09/1928	CANADIAN						
	145R	1,395,391	05/1975	GREAT BRITAIN						
	146R	GB 1 467 828	03/1977	GREAT BRITAIN						
	147R	EP 0 054 154	10/1981	EUROPEAN						
	148R	DE 3015279 A1	10/1981	GERMANY						
	149R	GB 2 164 569A	03/1986	GREAT BRITAIN						
	150R	FR 2 574 657 A1	06/1986	FRANCE						
	151R	WO 86/06969	12/1986	PCT						
	152R	WO 87/01950	04/1987	PCT						
	153R	DE 3537507	04/23/87	GERMANY						
	154R	DE 3539073 A1	05/14/87	GERMANY						
	155R	EP 0 386 605 A1	02/28/90	EUROPEAN						
	156R	WO 91/03277	03/21/91	PCT						
	157R	FR 2 658 725 A1	08/31/91	FRANCE						
	158R	WO 92/15353 /	09/17/92	PCT						
	159R	EP 0 602 424	11/25/93	EUROPEAN						
	160R	GB 2 267 648 A	12/15/93	GREAT BRITAIN						
	161R	EP 0 608 684 A1	08/03/94	EUROPEAN						
	162R	WO 97/41911	11/13/97	PCT						
	163R	WO 94/16759	08/04/94	PCT						

OTHER (Including in this order Author, Title, Periodical Name, Date, Pertinent Pages, etc.)										
	164R									
	165R									
	166R									
	167R									

Examiner \_\_\_\_\_ Date Considered: \_\_\_\_\_  
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	189R	EP 0 821 978	02/04/98	EUROPEAN						
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Dkt. No.

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Client Ref.

4398-336

Applicant:

GUNARATNAM

Appln. No.: 10/821,204

Filing Date: April 9, 2004

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210R	WO 98/26829	06/25/98	PCT					
211R	WO 98/26830	06/25/98	PCT					
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213R	WO 95/02428	01/26/95	PCT					
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217R

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238R					
239R					
240R					
241R					
242R					

OTHER (Including in this order Author, Title, Periodical Name, Date, Pertinent Pages, etc.)

243R	
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				Enclosed	No	Enclose	No
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Applicant Docket No.

4398-336

Serial No.

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Applicant

GUNARATNAM

Filing Date

April 9, 2004

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